

### REMARKS

At the outset, the Examiner is thanked for the review and consideration of the present application. Additionally, the Examiner is thanked for indicating claims 6, 8, 10, 11, 18 and 19 as containing allowable subject matter.

Prior to this Amendment, claims 1, 3, 5-12, 14, 16, and 18-21 were pending. By this amendment, claims 1, 3, 5, 7, 9, 16, and 21 have been cancelled, claims 6, 8, 10, 11, 12, 14, 18, 19 have been amended, and claims 22-38 have been added. Accordingly, claims 6, 8, 10-12, 14, 18-20 and 22-38 are pending for consideration in the present application, of which claims 6, 8, 10, 11, 12, 14, 18, 19, 23, 27, 31, and 35 are independent.

Referring now to the detailed Office Action, claims 1-4 and 8-11 stand rejected under 35 U.S.C. 102(e) as clearly anticipated by Batlogg et al. (U.S. Patent 6,638,894; U.S. Patent 6,635,603; or, U.S. Patent 6,630,425 – all of which are referred to as Batlogg hereafter). Further, claims 14 and 20 stand rejected under 35 U.S.C. §103(a) as unpatentable over Batlogg et al. ('894 and '603), and claim 7 stands rejected under 35 U.S.C. §103(a) as unpatentable over Batlogg et al. ('894). These rejections are respectfully traversed at least for the reasons provided below.

In response to the objection to claims 6, 8, 10, 11, 18 and 19, Applicant has amended these claims, as shown above, to include all the features of claim 1 and their respective intervening claims. Accordingly, claims 1, 3, 5, 7, 9 and 16 are now cancelled, and claims 6, 8, 10, 11, 18 and 19 should be considered allowable.

With respect to the §102(e) rejection of claims 1, 3, 5, 9, 12, 16 and 21, Applicant has cancelled claims 1, 3, 5, 9 and 16, as well as claim 21 as shown above. Therefore, the §102(e) rejection of these claims is now rendered moot. With respect to the rejection of claim 12, Applicant has amended the claim to recite "A is one or more rare earth elements and B is more than one alkaline earth element when A is one rare earth element", which is a feature of cancelled claim 1. Therefore, claim 12 is now clearly distinguishable over the Batlogg references.

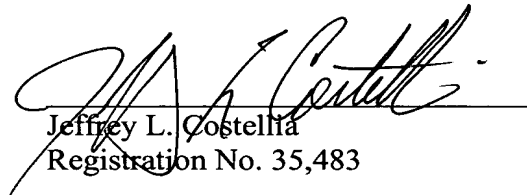
With respect to the §103(a) rejections of claims 7, 14 and 20, Applicant has cancelled claim 7. Applicant has also amended claims 14 as independent and amended claim 20 to

change its dependency to claim 18. Accordingly, claims 6, 8, 10-12, 14 and 18-20 should now be considered allowable.

New claims 22-38 have been added to further complete the scope to which Applicant is entitled. Support for the new claims can be found, at least, on, e.g., page 6, lines 18-21 of the specification. In addition, support may be found on the last line of the third paragraph from the bottom of page 7 of the verified translation of the priority document (Japanese Patent Application No. 62-724483). The verified English translation is submitted in related Application Serial No. 07/492,858 (filed March 3, 1990), which is a parent of Application Serial No. 07/859,254 (filed March 26, 1992) submitted herewith in an attached IDS.

Having responded to the rejection set forth in the outstanding Office Action, it is submitted that claims 6, 8, 10-12, 14 and 18-20 and new claims 22-38 are now in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicant's undersigned representative.

Respectfully submitted,



Jeffrey L. Costella  
Registration No. 35,483

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, NW, Suite 900  
Washington, D.C. 20004-2128  
(202) 585-8000